

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

AURELIAN IP MANAGEMENT, LLC)	
)	
Plaintiff,)	
)	Civil Action No. 2:17-cv-210
v.)	
)	JURY TRIAL DEMANDED
OPEN TEXT INC.)	
)	
Defendant.)	
_____)	

COMPLAINT

For its Complaint, Plaintiff Aurelian IP Management, LLC ("Aurelian"), by and through the undersigned counsel, alleges as follows:

THE PARTIES

1. Aurelian is a Texas limited liability company with a place of business located at 1400 Preston Road, Suite 400, Plano, Texas 75093.
2. Defendant Open Text Inc. is a Delaware company with, upon information and belief, a place of business located at 15725 Dallas Parkway, Two Addison Circle, Dallas, Texas 75001.
3. Upon information and belief, Defendant registered with the Texas Secretary of State to conduct business in Texas.

JURISDICTION AND VENUE

4. This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.*
5. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338.
6. Upon information and belief, Defendant conducts substantial business in this

forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in this district.

7. Venue is proper in this district pursuant to §§ 1391(b), (c) and 1400(b).

THE PATENT-IN-SUIT

8. On August 7, 2001, U.S. Patent No. 6,272,495 (the "'495 patent"), entitled "Method and Apparatus for Processing Free-Format Data," was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '090 patent is attached hereto as Exhibit A.

9. Aurelian is the assignee and owner of the right, title and interest in and to the '495 patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 6,272,495

10. Aurelian repeats and realleges the allegations of paragraphs 1 through 9 as if fully set forth herein.

11. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant is liable for infringement of at least claims 1, 2, 4, 12, 18 and 38 of the '495 patent by making, using, importing, offering for sale, and/or selling a method and apparatus for processing free-format data, including, but not limited to, OpenText Content Analytics ("OpenText").

12. More specifically and upon information and belief, Defendant's OpenText examines elements of data to determine attributes of the data by examining elements of the data to determine attributes of the data and the contextual relationships of elements to each other, *see* Best Practices for Using Open Text Integration Center - A Technical Whitepaper at p. (available at

http://connectivity.opentext.com/common/files/Whitepaper_Best_Practices_for_Using_the_OpenText_Integration_Center_A_Technical_Paper.pdf (last accessed Mar. 16, 2017)); <http://www.opentext.com/what-we-do/products/discovery/information-access-platform/content-analytics> ("Content Analytics") (last accessed Mar. 16, 2017); Stannie Holt, Unstructured Data Analytics: Replacing 'I Think' With 'We Know' (available at <http://blogs.opentext.com/unstructured-data-analytics-replacing-think-know/> (last accessed Mar. 16, 2017)); Open Text Content Analytics Product Sheet ("Product Sheet") at p. 2 (available at http://www.opentext.com/file_source/OpenText/en_US/PDF/open-text-content-analytics-product-sheet.pdf (last accessed Mar. 16, 2017)); Content Analytics, to determine semantic and syntactic information about the data, *see* Product Sheet at pp. 1-2; Automating Content Categorization and Mining for Insights with Computational Linguistics (available at <http://blogs.opentext.com/automating-content-categorization-and-mining-for-insights-with-computational-linguistics/> (last accessed Mar. 16, 2017)), producing additional data relating to this information, in the form of a text object which includes pointer means enabling access to the elements of the free-format data, *see* Content Analytics; Product Sheet at p. 1; Laurie Pirmann, The Truth About Indexing: Making the Most of Indexing During Your ECM Migration ("Migration") (available at <http://blogs.opentext.com/the-truth-about-indexing-making-the-most-of-indexing-during-your-ecm-migration/> (last accessed Mar. 16, 2017)), and the additional data being accessible by a query processing means to provide at least one of answers to queries relating to the semantic and syntactic information about the data and to access the data to manipulate the data, *see* Content Analytics; OpenText eDOCS Content Analytics: Extract Data and Insights (available at <https://allevents.in/events/opentext%E2%84%A2-edocs-content-analytics-extract-data-and-insights/499844913524283> (last accessed Mar. 16, 2017)); Open Text Search Server,

eDOCS Edition Product Overview ("Product Overview") at p. 1 (available at http://www.opentext.com/file_source/OpenText/en_US/PDF/OpenText%20Search%20Server,%20eDOCS%20Edition%20Product%20Overview.pdf (last accessed Mar. 16, 2017)); Product Sheet at p. 1; Migration; and arranging the text object to act as a layer, between the free-format data and the query processing means, for at least one of interpretation and manipulation of the data. *See* Solving the Unstructured Data Puzzle with Analytics at p. (available at http://www.opentext.com/file_source/OpenText/en_US/PDF/opentext-so-analytics-solving-unstructured-data-puzzle-with-analytics-en.pdf (last accessed Mar. 16, 2017)); Product Sheet at p. 2; Product Overview at p. 1; Migration. Defendant's OpenText processes a plurality of free-format data records and produces a text object associated with each free-format data record. *See* Content Analytics; Product Sheet at p. 1; Migration. It produces a text object index including attribute type identifiers for elements of each data record and pointers to each data record and the index may be queried by queries relating to semantic and syntactic-information about the data and the data may be accessed via the index. *See* Content Analytics; Product Sheet at p. 1; Migration.

13. Aurelian is entitled to recover from Defendant the damages sustained by Aurelian as a result of Defendant's infringement of the '495 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

JURY DEMAND

Aurelian hereby demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Aurelian requests that this Court enter judgment against Defendant as follows:

- A. An adjudication that Defendant has infringed the '495 patent;
- B. An award of damages to be paid by Defendant adequate to compensate Aurelian for Defendant's past infringement of the '495 patent and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Aurelian's reasonable attorneys' fees; and
- D. An award to Aurelian of such further relief at law or in equity as the Court deems just and proper.

Dated: March 17, 2017

/s/Stafford Davis w/ permission of lead attorney

Stafford Davis TX SB #24054605
The Stafford Davis Firm, P.C.
The People's Petroleum Building
102 North College Avenue, Thirteenth Floor
Tyler, Texas 75702
Telephone: (903) 593-7000
Facsimile: (903) 705-7369
sdavis@stafforddavisfirm.com

Stamatios Stamoulis DE SB #4606 – Lead Counsel
Richard C. Weinblatt DE SB #5080
Stamoulis & Weinblatt LLC
Two Fox Point Centre
6 Denny Road, Suite 307
Wilmington, DE 19809
Telephone: (302) 999-1540
Facsimile: (302) 762-1688
stamoulis@swdelaw.com
weinblatt@swdelaw.com

Attorneys for Plaintiff